



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HARTLEY *et al.*

Appl. No.: 09/177,387

Filed: October 23, 1998

For: **Recombinational Cloning Using  
Nucleic Acids Having  
Recombination Sites**

Confirmation No.: 3052

Art Unit: 1636

Examiner: Lambertson, D.A.

Atty. Docket: 0942.2850004/RWE/BJD/JKM

**Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(1)**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

It is hereby requested that the period for filing an Appeal Brief; be extended four months from December 10, 2003 to April 10, 2004 by the filing of this Petition and fee payment.

The petition fee (37 C.F.R. § 1.17(a)) is believed to be \$1,480.00 for a four month extension for a large entity. Fee payment is provided in our accompanying PTO-2038 Credit Card Payment Form. However, if extensions of time under 37 C.F.R. § 1.136 other than those provided herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned.

04/09/2004 SMINASS1 00000022 09177387

01 FC:1254

1480.00 OP

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

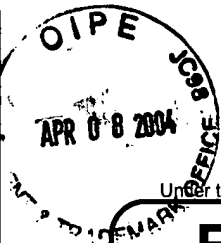
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Brian J. Del Buono  
Attorney for Applicants  
Registration No. 42,473

Date: April 8, 2004

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,480.00

**Complete if Known**

Application Number	09/177,387
Filing Date	October 23, 1998
First Named Inventor	James L. HARTLEY
Examiner Name	Lambertson, D.A.
Art Unit	1636
Attorney Docket No.	0942.2850004/RWE/BJD/JKM

**METHOD OF PAYMENT** (check all that apply)☐ Check ☒ Credit card ☐ Money Order ☒ Other\*\* ☐ None☐ \*Charge any deficiencies or credit any overpayments in Deposit Account: the fees to Deposit Acct. No. 19-0036Deposit Account Number  
Deposit Account Name

19-0036

Sterne Kessler, Goldstein &amp; Fox P.L.L.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 0.00

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 20 ** =	X	
Multiple Dependent	- 3 ** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$ 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	1,480.00
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1,480.00

**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Brian J. Del Buono	Registration No. (Attorney/Agent)	42,473	Telephone	(202) 371-2600
Signature		Date	April 8, 2004		

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Image

**Sterne Kessler  
Goldstein Fox**  
ATTORNEYS AT LAW



Robert Greene Sterne  
Edward J. Kessler  
Jorge A. Goldstein  
David K.S. Cornwell  
Robert W. Esmond  
Tracy-Gene G. Durkin  
Michele A. Cimbala  
Michael B. Ray  
Robert E. Sokohl  
Eric K. Steffe  
Michael Q. Lee  
Steven R. Ludwig  
John M. Covert  
Linda E. Alcorn  
Robert C. Millonig  
Lawrence B. Bugaisky  
Donald J. Featherstone  
Michael V. Messinger

Judith U. Kim  
Timothy J. Shea, Jr.  
Patrick E. Garrett  
Heidi L. Kraus  
Edward W. Yee  
Albert L. Ferro  
Donald R. Banowitz  
Peter A. Jackman  
Teresa A. Medler  
Jeffrey S. Weaver  
Kendrick P. Patterson  
Vincent L. Capuano  
Eldora Ellison Floyd  
Thomas C. Fiala  
Brian J. Del Buono  
Virgil Lee Beaton  
Kimberly N. Reddick  
Theodore A. Wood

Elizabeth J. Haanes  
Joseph S. Ostroff  
Frank R. Cottingham  
Christine M. Uhulier  
Rae Lynn Prengaman  
Jane Shershenovich  
Lawrence J. Carroll  
George S. Bardmesser  
Daniel A. Klein  
Jason D. Eisenberg  
Michael D. Specht  
Andrea J. Kamage  
Tracy L. Muller  
LuAnne M. DeSantis  
John J. Figueroa  
Ann E. Summerfield  
Tiera S. Coston  
Aric W. Ledford

Michael D. Specht  
Jessica L. Parezo  
Timothy A. Doyle  
Cynthia M. Bouchez  
Nicole D. Dretar  
Ted J. Ebersole  
**Registered Patent Agents\***  
Karen R. Markowicz  
Nancy J. Leith  
Helene C. Carlson  
Gabby L. Longsworth  
Matthew J. Dowd  
Aaron L. Schwartz  
Mary B. Tung  
Katrina Y. Pei Quach  
Bryan L. Skelton  
Robert A. Schwartzman

A/C 1636 #

Teresa A. Colella  
Jeffrey S. Lundgren  
Victoria S. Rutherford  
Eric D. Hayes  
Michelle K. Hofoubek  
Robert H. DeSelms  
Simon J. Elliott  
Julie A. Heider  
Mita Mukerjee  
Scott M. Woodhouse  
**Of Counsel**  
Kenneth C. Bass III  
Evan R. Smith  
Marvin C. Guthrie  
\*Admitted only in Maryland  
\*Admitted only in Virginia  
•Practice limited to  
Federal Agencies

April 8, 2004

**WRITER'S DIRECT NUMBER:**  
(202) 772-8525  
**INTERNET ADDRESS:**  
BRIAND@SKGF.COM

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**Art Unit 1636**

Re: U.S. Utility Patent Application  
Appl. No. 09/177,387; Filed: October 23, 1998  
For: **Recombinational Cloning Using Nucleic Acids Having Recombination  
Sites**

Inventors: HARTLEY *et al.*  
Our Ref: 0942.2850004/RWE/BJD/JKM

Sir:

Transmitted herewith for appropriate action are the following documents:

1. PTO-2038 Credit Card Payment Form in the amount of \$1,480.00 to cover the four month extension of time filing fee;
2. PTO Fee Transmittal (PTO/SB/17);
3. Petition for Extension of Time Under 37 C.F.R. § 1.136(a)(1); and
4. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents  
April 8, 2004  
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Brian J. Del Buono", written over a horizontal line.

Brian J. Del Buono  
Attorney for Applicants  
Registration No. 42,473

BJD/JKM:bac  
Enclosures

249676\_1.DOC